IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CRIMINAL REVISION PETITION NO. 1187/2006
YATINDRA KUMAR AGARWAL & ORS. Vs. UNION OF INDIA

DATE: 31.05.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. Ashvin Garg for the petitioners.
Mr. Sushil Sharma for the respondent.

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The present criminal revision petition under Section 397 r/w Section 401 Cr.P.C. is preferred by the petitioners against the order dated 10.08.2006 passed by Special Judge (NDPS) Cases, Jaipur in Sessions Case No. 34/2005, whereby the learned Special Judge has framed charges against the petitioners and one co-accused Dr. Brij Bhushan Bansal for the offences under Sections 8/22 and 8/29 of the NDPS Act.

I have heard rival submissions of the respective parties and have also gone through the impugned order dated 10.08.2006 as well as the relevant record.

As per Schedule-I appended to the NDPS Rules, the medicines which have been seized do not not fall in the category of NDPS, which has not been considered by the trial Court.

Therefore, the impugned order dated 10.08.2006 passed by the Special Judge (NDPS) Cases, Jaipur deserves to be quashed and set-aside and the same is hereby quashed and set-aside and the matter is remanded back to the trial Court for fresh adjudication after giving due consideration to the Schedule-1 appended to the NDPS Rules and considering all the legal and just objections/submissions raised by the respective parties shall pass fresh order in accordance with the provisions of law.

With these observations, the revision petition stands disposed of.

Record be sent back forthwith.

(K.S. RATHORE),J.

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